

Timber Theft

Are you staring at stumps where trees should be standing on your property? Did you sell timber but were never paid or only partially paid? You could be dealing with a timber theft.

If you find yourself in this situation, get help from someone who knows something about the buying and selling of trees. This could be a private consulting forester, a conservation officer or a member of the DNR Division of Forestry.

If you are not sole owner of the property, the first step should be to contact your co-owners. In some cases, the concept of timber theft turns out to be one member of the family failing to tell a sibling, business partner or family member that there was a timber sale. Obviously, better communication among the ownership partners is needed in such cases.

Misunderstanding of ownership lines can be relatively common. This situation can get expensive in a hurry if conflicting boundaries result in competing boundary-line surveys. The losing party could not only be liable for the timber value, but also might be assessed treble timber-value fines.

Another scenario that happens frequently is when an adjoining landowner has a timber sale—and a few trees disappear from your property. In such a case, well-marked property lines are needed. Should this situation happen to you, call the local conservation officer (CO) to investigate. If he or she determines that there is or could be a theft, a formal investigation will be conducted. If so, the conservation officer will question all parties and look for documentation of the type, quantity and terms of any timber sale.

A timber theft can also happen through the nonpayment or partial payment for trees cut and removed. These types of situations are difficult to resolve, especially if the seller does not have a legally binding contract spelling out the number and type of trees to be cut and the payment schedule. Counting stumps is an option for determining your loss, but if you are paid on volume and value, once the trees are cut, there is no way to verify those numbers unless you can get copies of the mill ticket, receipts provided when logs are sold to a mill. Then, if payment is based on a percent of value (50% to landowner/ 50% to buyer) or “shares”, you lose control of the method by which the logs are marketed and their market value. This warning does not mean the share method is an illegitimate way to sell timber; however, be aware that it has many more uncertainties than other methods and can result in differences in expected outcomes.

To avoid any of the above situations, check your property’s boundary lines often, look for adjoining timber sales, and always have a contract that contains specifics about the number, species, quality, value, and payment method before you sell trees.

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